

# **Exhibit 37**

**MINUTES**  
**Fairfax County School Board**  
**Electronic Regular Meeting**  
**Virtual**

Electronic Regular Meeting

December 17, 2020

Board members and Division staff participated electronically via Blackboard Collaborate Ultra due to the COVID-19 emergency and the Governor of Virginia's amended Order of the Governor and State Health Commissioner Declaration of Public Health Emergency, Order of Public Health Emergency One issued March 20; Executive Order Number 53: Temporary Restrictions On Restaurants, Recreational, Entertainment, Gatherings, Non-Essential Retail Businesses, And Closure Of K-12 Schools Due To Novel Coronavirus (Covid-19) issued March 23; Order of the Governor and State Health Commissioner Order of Public Health Emergency Two, issued March 25. Members of the public attended virtually via Public Access Channel 99 and at FCPS.EDU/TV.

**1. CLOSED MEETING**

Ms. Derenak Kaufax moved, and Mrs. Corbett Sanders seconded, that the Board will now make a motion to go into closed meeting to c to 1) consult with legal counsel regarding litigation or specific legal matters requiring the provision of legal advice by such counsel pursuant to Sections 2.2-3711(A)(7) and (A)(8) of the Code of Virginia, specifically *Q.T., et al. v. School Board, et al.*, Case No. 1:19-cv-1285; and 2) consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Section 2.2-3711 (A)(8) of the Code of Virginia, specifically personnel, Title IX and other federal matters. The motion passed 10-0-0: Ms. Omeish, Ms. Pekarsky, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. McLaughlin, Ms. Cohen, Mr. Frisch, and Dr. Anderson voted "aye"; Ms. Sizemore Heizer, and Ms. Keys-Gamarra were not present for the vote,

The Board met in closed session from 5:01 p.m. to 7:09 p.m. and took a brief recess from 7:09 p.m. to 7:17 p.m.

**2. REGULAR MEETING**

**2.01 Call to Order/Pledge of Allegiance/Moment of Silence**

Chairman Anderson called the meeting to order at 7:17 p.m. with the following Board members present:

Karen Corbett Sanders (Mt. Vernon)  
Tamara Derenak Kaufax (Lee)  
Ricardy Anderson (Mason)  
Laura Jane Cohen (Springfield)  
Karl Frisch (Providence)  
Karen Keys-Gamarra (At Large; arr:5:04)

Megan O. McLaughlin (Braddock)  
Melanie Meren (Hunter Mill)  
Abrar Omeish (At Large)  
Stella Pekarsky (Sully)  
Rachna Sizemore Heizer (At Large; arr:5:04)  
Elaine Tholen (Dranesville)

Defendant's Exhibit

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Also present were Division Superintendent Scott Brabrand; Deputy Superintendent Frances Ivey; Clerk of the Board Ilene Muhlberg; Deputy Clerk of the Board Beverly Madeja; Chief Operating Officer Marty Smith; Assistant Superintendent, Jeff Platenberg; Assistant Superintendent, Facilities and Transportation and certain other members of staff both in-person and virtually. The Student Representative to the School Board Nathan Onibudo was present.

Nathan Onibudo led the Pledge of Allegiance and the moment of silence.

### **2.03 Certification of Closed Meeting Compliance (Exhibit A)**

Ms. Omeish moved, and Ms. Derenak seconded, that the Board in order to comply with Section 2.2-3712 (D) of the Code of Virginia, it is necessary for the Board to certify that since the Fairfax County School Board convened a closed meeting on December 17, 2020, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board during the closed meeting. The motion passed unanimously.

### **2.04 Announcements (Exhibit B)**

Nathan Onibudo announced that FCPS will celebrate National Mentoring Month in January 2021.

## **3. PRESENTATIONS TO THE SCHOOL BOARD**

### **3.01 Citizen Participation (Exhibit C)**

Nine citizens addressed the Board in the time reserved for citizen participation and three citizens delivered video testimony. Kimberly Adams addressed Agenda Item 4.05 – Superintendent Contract; Asra Nomani, Zia Tompkins, and Harry Jackson addressed Agenda Item 5.01 Monthly Report on Employee Separation; Akshay Deverakonda, Paul Thomas, Jun Wang, Srilekha Palle, and Michelle Cades addressed Agenda Item 4.02 – TJHSST Admissions; Jorge Torrico addressed Agenda Item 6.04 - Award of Contract- Robinson Secondary School Synthetic Turf Field Replacement Project. Video testimony was given by Norma Margulies on Agenda Item 5.01- Monthly Report on Employee Separation, and Teddy Geis and Fatimah Salem on Agenda Item 4.02 – TJHSST Admissions.

### **3.02 Student Representative Matters (Exhibit D)**

The School Board congratulated Nathan Onibudo for his early acceptance into the University of Virginia. Student Representative Nathan Onibudo made brief comments.

### **3.03 FY 2022-2026 Capital Improvement Program (Exhibit E)**



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The Chair introduced the Superintendent to begin the presentation of the CIP. The Superintendent welcomed Jeff Platenberg, assistant superintendent, Facilities, who presented the FY 2022- 2026 Capital Improvement Program while highlighting the impact of COVID 19.

The Board discussed a new elementary school in the Providence district with possible funding source; COVID impacts on September 30 enrollement compared to the current overall enrollment; repurposing existing buildings; and outdoor learning spaces.

Mr. Platenberg announced that the Board will discuss the CIP in-depth at the January 5 work session, and then the CIP public hearing will be held on January 7, with Board action scheduled on February 4, 2021.

### 4. ACTION ITEMS

#### 4.01 Confirmation of Action taken In Closed Meeting (Exhibit F)

Ms. McLaughlin moved, and Ms. Cohen seconded, that the Board authorize the Superintendent to execute the resolution agreement, according to the terms and conditions discussed in closed session. The motion passed unanimously.

#### 4.02 Thomas Jefferson High School for Science and Technology (TJHSST) Admissions {TJ; WS 9/15/20; 10/6/20 WS; 11/17/20 WS; 12/7/20 WS} (Exhibit G)

[Clerk's note:Chair Anderson passed the gavel to Vice-Chair Pekarsky.]

Ms.Omeish moved, and Dr. Anderson seconded, that the Hybrid Merit Lottery presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Hybrid Merit Lottery of the Superintendent's presentation to the Board on December 7. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021.

The Board discussed that merit indicates that a student must meet eligibility for TJHSST admissions before entering the admissions lottery, that this has been recommended by community and national groups and noted the importance of giving every student an opportunity.

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The motion that the Hybrid Merit Lottery presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Hybrid Merit Lottery of the Superintendent's presentation to the Board on December 7. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021, **failed 4-8-0**: Dr. Anderson, Ms. Omeish, Mr. Frisch, and Ms. Keys-Gamarra voted "aye;" Ms. Sizemore Heizer, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. McLaughlin, Ms. Cohen, and Ms. Pekarsky voted "no."

[Clerk's note: Vice-Chair Pekarsky passed the gavel back to Chair Anderson.]

Ms. Tholen, moved, and Ms. Pekarsky seconded, that the Holistic Review process presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Holistic Review Process outlined on pages 10 , 11 and 12 of the Superintendent's presentation to the Board on December 7. The Superintendent's Holistic Review process must be modified to establish that, as part of the review process, the top 1.5% of the 8th grade class at each public middle school who meet the minimum standards--based on GPA in core classes, student portrait sheet, problem-solving essay and experience factors--will be eligible for admission. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021.

The Board discussed that the top 1.5% from each middle school could replace the previously discussed Regional pathway and expanding the pipeline for each middle school and all elementary school AAP programs, while providing STEM opportunities at all levels and equity of access and opportunity with additional experience factors.

The motion that the Holistic Review process presented to the School Board by the Superintendent on December 7 will ensure that the Thomas Jefferson High School for Science and Technology continues to provide a high-quality STEM education. A diverse student body that includes a wide variety of backgrounds, experiences and skills enriches the learning environment for the students at TJ and prepares them to be science and technology leaders in an increasingly



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diverse workforce. I therefore move to direct the Superintendent to revise the admissions process for TJHSST utilizing the Holistic Review Process outlined on pages 10, 11 and 12 of the Superintendent's presentation to the Board on December 7. The Superintendent's Holistic Review process must be modified to establish that, as part of the review process, the top 1.5% of the 8th grade class at each public middle school who meet the minimum standards--based on GPA in core classes, student portrait sheet, problem-solving essay and experience factors--will be eligible for admission. The admission process must use only race-neutral methods that do not seek to achieve any specific racial or ethnic mix, balance, or targets. These changes are effective with the admissions process for the class entering TJHSST in the Fall of 2021, **passed 10-1-1**: Ms. Omeish, Mr. Frisch, Ms. Keys-Gamarra, Ms. Sizemore Heizer, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted "aye;" Dr. Anderson voted "no;" and Ms. McLaughlin abstained from the vote.

Ms. Omeish moved, and Ms. Cohen seconded, to require that the test (essay and SIS) be administered locally, at each middle school, to all eligible students (i.e. who meet the 3.5 GPA and Algebra 1 requirements), and to provide the opportunity to opt-out of taking the test should they so choose, by the admissions cycle for the class of 2026 (next year). To opt-out would be to eliminate oneself from consideration for TJ.

The Board stressed the need to decrease barriers by providing problem solving essay at all middle schools. The Board discussed that the ability to be automatically entered into admissions pool by meeting eligibility requirements could be more inclusive than opting in to the admissions process.

Ms. McLaughlin moved, and Ms. Meren seconded, to amend the main motion to remove the requirement that the problem-solving exams be administered at every single middle school.

The Board discussed the possibility of providing transportation to local test sites, and the need to be inclusive by providing access at every middle school to eliminate barriers to TJHSST admission.

The motion to amend the main motion, to remove the requirement that the problem-solving exams be administered at every single middle school, **failed 0-12-0**: Ms. Omeish, Ms. Pekarsky, Ms. Tholen, Ms. Meren, Ms. Derenak Kaufax, Mrs. Corbett Sanders, Ms. McLaughlin, Ms. Cohen, Mr. Frisch, Dr. Anderson, Ms. Sizemore Heizer, and Ms. Keys-Gamarra voted "no."

The main motion, to require that the test (essay and SIS) be administered locally, at each middle school, to all eligible students (i.e. who meet the 3.5 GPA and Algebra 1 requirements), and to provide the opportunity to opt-out of taking the test should they so choose, by the admissions cycle for the class of 2026 (next year). To opt-out would be to eliminate oneself from consideration for TJ, **passed 11-1-0**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Tholen, Ms. Derenak Kaufax,

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Ms. McLaughlin, Ms. Keys-Gamarra, Ms. Sizemore Heizer, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted "aye;" and Ms. Meren voted "no."

Ms. Omeish moved, and Ms. Cohen a follow-on motion to establish that, as part of the holistic review process, by the process for the 2027 class, the top percent of the 8th grade class at each public middle school in Fairfax County who meet minimum standards - based on GPA in core classes, student portrait sheet, problem-solving essay, and experience factors - shall be eligible for admission according to the percentage that is proportional to their population. This reflects the existing holistic review plan but calculates allotments of gifted students by school rather than by region.

The Board discussed that the percentage of individual middle schools reflect their percentage of FCPS population increase diversity and the feasibility of completing this work in 3 years. The Board discussed the variability in TJHSST's class population year to year.

Ms. Omeish moved, and Ms. Cohen seconded, to amend the follow-on motion to establish a goal of equitable representation by middle school for the class 2027 cohort.

The Board discussed the definition of equitable representation and that this goal was aspirational and would be clarified further at a later date.

The motion to amend the follow-on motion to establish a goal of equitable representation by middle school for the class 2027 cohort, **passed 7-4-1**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Keys-Gamarra, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted "aye;" Ms. McLaughlin, Ms. Tholen, Ms. Meren, and Ms. Derenak Kaufax voted "no;" and Ms. Sizemore Heizer abstained from the vote.

The follow-on motion to establish that, as part of the holistic review process, by the process for the 2027 class, the top percent of the 8th grade class at each public middle school in Fairfax County who meet minimum standards - based on GPA in core classes, student portrait sheet, problem-solving essay, and experience factors - shall be eligible for admission according to the percentage that is proportional to their population. This reflects the existing holistic review plan but calculates allotments of gifted students by school rather than by region, as amended, **passed 7-4-1**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Keys-Gamarra, Mrs. Corbett Sanders, Ms. Cohen, and Ms. Pekarsky voted "aye;" Ms. Tholen, Ms. Meren, Ms. McLaughlin, and Ms. Derenak Kaufax voted "no;" and Ms. Sizemore Heizer abstained from the vote.

Ms. Cohen moved, and Ms. Meren seconded, a follow-on motion to amend the family outreach/communication plan to include: Number of middle school students (by grade) interested in attending; Number of families who attend TJHSST outreach meetings; Number of applicants from first time (non-legacy) families;



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Number of applicants from underrepresented student populations; Climate survey of TJHHST students; Parent engagement survey.

The Board discussed the need to set intentional goals and continue to increase accountability while improving community outreach and communication.

The follow-on motion a follow-on motion to amend the family outreach / communication plan to include: Number of middle school students (by grade) interested in attending; Number of families who attend TJHSST outreach meetings; Number of applicants from first time (non-legacy) families; Number of applicants from underrepresented student populations; Climate survey of TJHHST students; Parent engagement survey, **passed unanimously.**

Ms. Cohen moved, and Ms. Meren seconded, a follow-on motion to direct the superintendent to present an annual report in a public meeting to the board on TJ Admissions to include: diversity of admitted class, attrition rates and reason for students not attending or leaving the school, remediation efforts, STEM class offerings and participation in enrichment clubs, the preparation of this report will include input from the Chief Equity Officer on the ongoing efforts to enhance and diversify the educational environment of TJ, and input from stakeholders and community members, including from the Minority Student Achievement Oversight Committee and the Advanced Academic Program Advisory Committee reports. If adequate progress is not made on improving diversity, the board directs the Superintendent to propose additional tools available to obtain the goal of improving diversity which could include increased outreach, piloting a lottery or other tools that may be recommended by the Superintendent.

The Board stressed the need to evaluate the progress of these changes to TJHSST admission and discussed the importance of evaluating the impact of these changes and the continued importance of transparency in a public meeting.

The follow-on motion to direct the superintendent to present an annual report in a public meeting to the board on TJ Admissions to include: diversity of admitted class, attrition rates and reason for students not attending or leaving the school, remediation efforts, STEM class offerings and participation in enrichment clubs, the preparation of this report will include input from the Chief Equity Officer on the ongoing efforts to enhance and diversify the educational environment of TJ, and input from stakeholders and community members, including from the Minority Student Achievement Oversight Committee and the Advanced Academic Program Advisory Committee reports. If adequate progress is not made on improving diversity, the board directs the Superintendent to propose additional tools available to obtain the goal of improving diversity which could include increased outreach, piloting a lottery or other tools that may be recommended by the Superintendent, **passed unanimously.**

Ms. Meren moved, and Ms. McLaughlin seconded to reconsider the vote on the motion to require that the test (essay and SIS) be administered locally, at each middle school, to all eligible students (i.e. who meet the 3.5 GPA and Algebra 1



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requirements), and to provide the opportunity to opt-out of taking the test should they so choose, by the admissions cycle for the class of 2026 (next year). To opt-out would be to eliminate oneself from consideration for TJ.

The Board discussed possible confusion due to the discrepancy between the motion displayed on BoardDocs and the motion stated by the member and considered if a second vote was necessary for confirmation of the wording.

The motion to reconsider the vote **failed 2-9-1**: Ms. Meren and Ms. McLaughlin voted "yes;" Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Keys-Gamarra, Mrs. Corbett Sanders, Ms. Cohen, Ms. Pekarsky, Ms. Tholen, and Ms. Derenak Kaufax voted "no;" and Ms. Sizemore Heizer abstained from the vote.

#### 4.03 FY 2021 Midyear Budget Review [FNS; NB 12/3/20; WS 12/15/20] (Exhibit H)

Ms. Meren moved, and Ms. Derenak Kaufax seconded, that the School Board approve revenue and expenditure changes reflected in the FY 2021 Midyear Budget Review as detailed in the agenda item.

The Board discussed the expenditures included in the food and nutrition program and the increase from previous years, due to the pandemic.

The motion that the School Board approve revenue and expenditure changes reflected in the FY 2021 Midyear Budget Review as detailed in the agenda item, **passed 8-3-1**: Ms. Omeish, Dr. Anderson, Mr. Frisch, Ms. Tholen, Ms. Derenak Kaufax, Ms. Meren, Ms. Cohen, and Ms. Pekarsky voted "aye;" Ms. McLaughlin, Ms. Keys-Gamarra, and Ms. Sizemore Heizer voted "no;" and Mrs. Corbett Sanders abstained from the vote.

#### 4.04 PXXXX, New Policy Restraint and Seclusion [DSS NB 12/3/20/ PH 12/11/20] (Exhibit I)

Ms. Sizemore Heizer moved, and Ms. Omeish seconded, that the School Board approve the new Restraint and Seclusion Policy as presented and as detailed in the agenda item.

The Board expressed appreciation for the work of staff to further the goal of a caring culture by using positive intervention. The Board thanked the community, staff, and stakeholders' whose input help shaped this policy.

The motion that the School Board approve the new Restraint and Seclusion Policy as presented and as detailed in the agenda item, **passed unanimously**.

#### 4.05 Consideration of extension to Superintendent contract (Exhibit J)

Ms. Omeish moved, and Ms. Sizemore Heizer seconded, that the School Board renew its contract with Dr. Scott Brabrand as Superintendent, and authorize the Chairman to execute the amended contract, as detailed in the agenda item.

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The Chair stated that the Superintendent's contract will be extended for 1 year beyond the June 30, 2021 end date.

The motion that the School Board renew its contract with Dr. Scott Brabrand as Superintendent, and authorize the Chairman to execute the amended contract, as detailed in the agenda item, **passed unanimously.**

**5. CONSENT AGENDA**

**5.01 Monthly Report on Employee Separation-** Confirm the separations for the period beginning November 1, 2020 and ending November 30, 2020. (Exhibit K)

Vice Chair Pekarsky stated that, without objection, the one item on the consent agenda would be adopted. Hearing no objections, the consent agenda was adopted.

**6. NEW BUSINESS**

**6.01 FY 2022-2026 Capital Improvement Program [FTS; WS 1/5/21; 1/7/21 PH; Action 2/4/21;approve the Proposed FY 2022-2026 Capital Improvement Program.]**- Approve the Proposed FY 2022-2026 Capital Improvement Program. (Exhibit L)

There was no discussion on this item.

**7. SUPERINTENDENT MATTERS**

The Superintendent made brief comments.

**8. BOARD COMMITTEE REPORTS (Exhibit M)**

**December 8, 2020**

Governance Committee - Karl Frisch, Chair

**December 9, 2020**

Audit Committee, Karen Keys-Gamarra, Chair

**9. BOARD MATTERS**

The Board agreed to cancel Board Matters due to the late hour.

**10. ADJOURNMENT**

The meeting was adjourned at 12:30 a.m. on December 18, 2020.



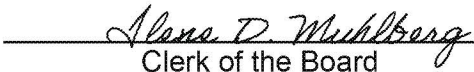
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Chairman of the Board

  
Clerk of the Board  
Approved January 21, 2021